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09/735,891	12/14/2000	Brian D. Kling	00197; 190252-1740	5760

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EXAMINER	
GOLD, AVI M	

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/735,891	KLING, BRIAN D.	
	Examiner	Art Unit	
	AVI GOLD	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 January 2010*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-20 and 22-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-20 and 22-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the RCE amendment filed on January 18, 2010. Claims 1, 3, 9, 12, 16, 17, 29, and 34 were amended. Claim 2 was canceled. Claims 1, 3-20, and 22-35 are pending.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, U.S. Patent Application Publication No. 2006/0171514, in view of Applicant's Admitted Prior Art in the Background of Applicant's Specification, hereinafter referred to by AAPA, in view of Holmes et al., U.S. Patent No. 6,178,331, in view of Spearman et al., U.S. Patent No. 7,035,281, further in view of Angwin et al., U.S. Patent Application Publication No. 2002/0059405.

As to claim 1, O'Neal teaches a method for sending electronic mail from a client operating within a client-server architecture, the method comprising the steps of:

(a) provisioning the client with client broadcast text messaging software (paragraph 18, lines 1-4);

(b) provisioning a server with server broadcast text messaging software, wherein the server is in communication with the client (paragraph 18, lines 7-9, 14-16);

(c) broadcasting from the client a text message in a broadcast transmission in a format of the broadcast text messaging software (paragraph 18, lines 1-4; paragraph 50, O'Neal discloses broadcasting a message in a textual message format) and;

(d) receiving the text message at the server (paragraph 63, O'Neal discloses the data network server receiving the message);

(e) reformatting the text message from the format of the broadcast text messaging software (paragraph 71, O'Neal discloses reformatting the message to another message format); and

(f) forwarding the message to the email server in an email transmission to the destination email address (paragraph 74).

O'Neal fails to teach the limitation further including using subject based addressing wherein text in a subject field of the text message; and receiving the message after discerning from the text in the subject field that the text message is intended for the server.

However, AAPA teaches the use of a server that puts a subject on a message to indicate to which client or clients the message is intended (page 3, lines 19-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal in view of AAPA to use subject based addressing wherein

text in a subject field of the text message; and receive the message after discerning from the text in the subject field that the text message is intended for the server. One would be motivated to do so because each client would capture messages containing data intended for the client (page 5, lines 10-12).

O'Neal also fails to teach the limitation further including the text message containing the electronic mail including a destination email address for the electronic mail in a body of the text message.

However, Holmes teaches the use of obtaining a destination address from the body of a message (col. 5, line 39 - col. 6, line 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal in view of Holmes to use a text message containing the electronic mail including a destination email address for the electronic mail in a body of the text message. One would be motivated to do so because it allows for a message to be sent to an email address when the address is in the body of the message.

O'Neal further fails to teach the limitation further including reformatting a message to a format compatible with an email server, wherein the reformatted message is addressed to the destination email address obtained from the original message.

However, Spearman teaches the converting a message to an email message (col. 4, lines 10-20)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal in view Spearman to reformat a message to a format compatible with an email server, wherein the reformatted message is addressed to the

destination email address obtained from the original message. One would be motivated to do so because it would allow for an message to be read on an email protocol.

O'Neal also fails to teach the limitation further including wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

However, Angwin teaches the use of a message broadcast to every device on a network (paragraph 43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal in view of Angwin to use wherein broadcasting includes transmitting a text message from a single network component to all components on a network. One would be motivated to do so because a broadcast provides a subscriber with the ability to effectively and immediately broadcast a single message to a group of individuals and text messaging is beneficial because it can easily reach wireless mediums.

Regarding claim 3, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 1, wherein broadcasting the text message containing the electronic mail comprises:

(i) identifying a triggering event that precipitates a need for the electronic mail

(ii) determining an email body, an email subject, and an email address for the electronic mail, wherein the email body, the email subject, and the email address correspond to the triggering event; and

(iii) instructing the client broadcast text messaging software to broadcast the text message containing the electronic mail, wherein the electronic mail contains the email body, the email subject, and the email address (O'Neal, paragraph 18, Holmes, col. 5, line 39 - col. 6, line 4).

Regarding claim 6, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 3, wherein determining the email body, the email subject, and the email address comprises consulting a database cross-referencing triggering events with email bodies, email subjects, and email addresses (O'Neal, paragraph 18, 63, Holmes, col. 5, line 39 - col. 6, line 4).

Regarding claim 7, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 3, wherein determining the email body, the email subject, and the email address comprises a user manually entering the email body, the email subject, and the email address into a test program of the client broadcast text messaging software (O'Neal, paragraph 18, 63, Holmes, col. 5, line 39 - col. 6, line 4).

Regarding claims 8 and 32, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claims 3 and 29, further comprising the step of forwarding the electronic mail from the email server through a network to the email address (O'Neal, paragraph 74).

Regarding claim 9, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 1, wherein broadcasting the text message containing the electronic mail comprises:

(i) determining an email body, an email subject, and an email address using data processing software;

(ii) accessing an application program interface of the data processing software;

(iii) sending the email body, the email subject, and the email address to the application program interface; and

(iv) accessing the client text broadcast messaging software with the application program interface and instructing the client non-email text broadcast messaging software to broadcast the text message, wherein the text message contains the email body, the email subject, and the email address (O'Neal, paragraph 18, Holmes, col. 5, line 39 - col. 6, line 4, Angwin, paragraph 43; col. 7, lines 10-38).

Regarding claim 10, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 1, further comprising forwarding the electronic mail from the email server through a network to an email address (O'Neal, paragraph 71).

Regarding claim 12, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method claim 1, wherein the message includes a subject in accordance with subject-based addressing of the client non-email text broadcast messaging software and the

server broadcast text messaging server, and wherein the server is configured to recognize the subject and read the text message (O'Neal, paragraph 63, AAPA).

Regarding claims 14 and 24, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method and system of claims 1 and 16, wherein the client broadcast text messaging software is different from, but compatible with, the server non-email text broadcast messaging software (paragraphs 71-74).

As to claim 23, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the system of claim 16, wherein the client broadcast text messaging software enables broadcasts and multicasts from the plurality of clients (O'Neal, paragraph 18).

As to claim 25, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the system of claim 16, wherein the client broadcast text messaging software is the same as the server broadcast text messaging software (O'Neal, paragraph 71-74).

As to claim 27, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the system of claim 16, wherein the email server is adapted to receive the electronic mail and forward the electronic mail through a network (O'Neal, paragraph 74).

Claims 16-19, 29, and 34 do not teach or define any new limitations above claims 1, 3, and 7 and therefore are rejected for similar reasons.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Chuah et al., U.S. Patent No. 6,400,722.

As to claim 4, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 3.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the client monitoring data traffic in a digital wireless packet switching network and the triggering event is an overload on network capacity that requires a change in traffic routing.

However, Chuah teaches the optimization of routing mobile end systems to desired communications servers (see abstract). Chuah teaches the use of wireless packet switching (col. 2, lines 43-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Chuah to use a digital wireless packet switching network and the triggering event as an overload on network capacity that requires a change in traffic routing. One would be motivated to do so because the broadcast could be used to alert users of the change in traffic routing.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Kozdon et al., U.S. Patent No. 6,456,601.

As to claim 5, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 3.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the client monitoring hard disk space on other clients, and the triggering event is a shortage of hard disk space.

However, Kozdon teaches a method and system for providing call progress tones and audible announcements in a distributed, packetized network environment (see abstract). Kozdon teaches the use of need for more storage (col. 2; lines 5-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Kozdon to use a client monitoring hard disk space on other clients, and the triggering event as a shortage of hard disk space. One would be motivated to do so because the broadcast could be used to alert users of the shortage of hard disk space.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Rogers et al., U.S. Patent No. 6,301,484.

As to claim 11, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claims 1 and 10.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the email address is an email address of a wireless pager.

However, Rogers teaches a method and apparatus for remote control of software and hardware features in a wireless communication device using Short Message Services (see abstract). Rogers teaches the use of email on a wireless device (col. 3, lines 58-67; col. 4, lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Rogers to use an email address of a wireless pager. One would be motivated to do so because the important messages could be broadcast to users away from their computers.

6. Claims 13, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Bookspan et al., U.S. Patent No. 6,636,888.

As to claim 13, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 1.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the use of the making the format compatible with the email server is Messaging Application Program Interface (MAPI).

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of MAPI (col. 14, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Bookspan

to use MAPI. One would be motivated to do so because it provides a useful interface for email servers.

As to claims 20 and 22, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claim 16.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the client and email application program interface are one of a dynamic link library, a control, and an object module.

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of dynamic link library, a control, and an object module (col. 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Bookspan to use a dynamic link library, a control, and an object module. One would be motivated to do so because they provide appropriate functionality to the API.

7. Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Lewis, U.S. Patent No. 6,513,019.

As to claims 15, 26, and 30, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method and system of claims 1, 16, and 29.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the client non-email text broadcast messaging software and the server non-email broadcast text messaging software are TIB Rendezvous.

However, Lewis teaches a data processing system that provides substantial throughput for consolidation, integration, structuring, storage and distribution of financial data (see abstract). Lewis shows evidence of the use of TIB Rendezvous (col. 9, lines 60-67; col. 10, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it a useful software for messaging.

8. Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin further in view of Ooe, U.S. Patent No. 6,330,238.

As to claims 28 and 31, O'Neal, AAPA, Holmes, Spearman, and Angwin teach the method of claims 16 and 29.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the server non-email broadcast text messaging software and the email application program interface are a single Transaction Control Protocol / Internet Protocol program and the client computer uses Transaction Control Protocol / Internet Protocol software to broadcast the text message containing the electronic mail, and

wherein the server computer uses Transaction Control Protocol / Internet Protocol software to receive the text message.

However, Ooe teaches a multicast transmission method of transmitting data to a plurality of nodes belonging to a specific group in a communication network based upon a protocol such as TCP/IP (see abstract). Ooe shows evidence of the use of TCP/IP for email and broadcast.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Ooe to use TCP/IP for email and broadcast. One would be motivated to do so because TCP/IP is a useful protocol for messaging.

9. Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Lewis, U.S. Patent No. 6,513,019, further in view of Bookspan et al., U.S. Patent No. 6,636,888

As to claims 33 and 35, Brown and Angwin teach the method and system of claims 29 and 34.

O'Neal, AAPA, Holmes, Spearman, and Angwin fail to teach the limitation further including the non-email broadcast format is a TIB Rendezvous format and the email format is a Messaging Application Program Interface (MAPI) format.

However, Lewis teaches a data processing system that provides substantial throughput for consolidation, integration, structuring, storage and distribution of financial

data (see abstract). Lewis shows evidence of the use of TIB Rendezvous (col. 9, lines 60-67; col. 10, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Neal, AAPA, Holmes, Spearman, and Angwin in view of Lewis to use TIB Rendezvous. One would be motivated to do so because it is useful software for messaging

Brown, Weitz, Angwin, AAPA, and Lewis fail to teach the limitation further including the email format is a Messaging Application Program Interface (MAPI) format.

However, Bookspan teaches the scheduling of presentation broadcasts in an integrated network environment (see abstract). Bookspan shows evidence of the use of MAPI (col. 14, lines 25-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown, Weitz, Angwin, AAPA, and Lewis in view of Bookspan to use MAPI. One would be motivated to do so because it provides a useful interface for email servers.

Response to Arguments

10. Applicant's arguments filed January 18, 2010 have been fully considered but they are not persuasive.

11. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant argues that primary reference O'Neal does not teach that a text message is received by a recipient by discerning from a subject of the text message that the message is intended for the recipient. This limitation is found in the combination of O'Neal and Applicant's Admitted Prior Art. The applicant also argues that O'Neal does not teach a server receiving a text message, reformatting the text message into an email format, and forwarding the message onto an email server. This is found in the combination of O'Neal and Spearman.

12. Regarding the argument to claims 1, 16, 29, and 34, the applicant argues that the reference, Troen-Krasnow, does not disclose broadcasting a message to all components on a network. Applicant's arguments with respect to this limitation have been considered but are moot in view of the new ground of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,003,070 to Frantz.

U.S. Pat. No. 6,356,356 to Miller et al.

U.S. Pat. No. 6,556,835 to Raivisto.

U.S. Pat. No. 6,421,706 to McNeill et al.

U.S. Pat. No. 6,085,101 to Jain et al.

U.S. Pat, No. 5,632,018 to Otorii

U.S. Pat. No. 6,470,385 to Nakashima et al.

U.S. Pat. No. 6,856,432 to Bobrow et al.

U.S. Pat. No. 6,665,667 to Inaba et al.

U.S. Pat. No. 6,335,928 to Herrmann et al.

U.S. Pat. No. 6,625,646 to Kamanaka et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVI GOLD whose telephone number is (571)272-4002. The examiner can normally be reached on M-F 8:30 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. G./
Examiner, Art Unit 2457

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457